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# YALE LAW JOURNAL

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Published six times a year, by students of the Yale Law School  
P. O. Address, Box 1341, New Haven, Conn.

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IN the last few years a wave of political morality has swept over the country, and strenuous efforts have been made to purify American politics. This reform movement has already brought about the adoption of the Australian secret ballot and the English corrupt practices act in many States, but much remains to be done before elections are freed from bribery and fraud. To banish corruption from politics, it is necessary to go to the foundation of the political system and exclude corruptible voters from the suffrage. The most dangerous element in the electorate is the criminal class. Their number is comparatively small, but their influence is great, for they are the leaders of the ignorant classes in the slums of our cities. A large proportion of the voters in these low wards, acquiring their political ideas and morals from the saloon, regard politics as a legitimate trade and voters as merchandise. Criminals are the natural leaders of those men who have lost all respect for law and government. They do the corrupt and illegal work which is necessary to maintain the ring in control of the city. The influence they acquire by doing this work is often the stepping-stone to municipal office and political power. To remedy this evil it is necessary to deprive of the ballot all classes of offenders against the laws of the State. Disfranchisement for crime ought to be widely extended. The provision of the franchise laws in the various States in this regard differ widely. One or two have no restrictions in the matter whatsoever, but all the others exclude those guilty of felonies or infamous crimes from the suffrage. No State, however, carries the principle to its logical conclusion. Every offense which brings a man under the censure of the criminal laws should deprive him, for a season at least, of the right to vote. The State

is injured more by the multitude of the lesser than by the few high crimes. Drunkenness costs the State more in the criminals and paupers it breeds than homicide, yet no State deprives the drunkard of the ballot. Every man who breaks the laws of the State should forfeit the right to vote. There should be temporary disqualification for all voters convicted of misdemeanors and permanent disfranchisement for felonies. This can be easily accomplished and entails no extra expense upon the State. The clerks of the courts simply notify the registrars whenever a voter is convicted, and his name is then struck off the list to be replaced when the disqualification is removed. Disfranchisement of criminals is not intended to act as a deterrent or punishment of crime. It is to deprive the professional politician of his most pliant tools and free the electorate of its most corruptible and corrupting elements.

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The dissolution of the deadlock in the New Jersey Senate by the Supreme Court has an importance greater than the mere settlement of the legal point involved. Many of the political contests submitted to the courts occasion the division of the judges according to their party affiliations. When called on to decide on the constitutionality of some gerrymander, or on *quo warranto* proceedings, brought to oust some official from office, and even in cases involving liquor questions which have a slight political significance, the judges often lean to the side which their party favors and the case is decided on party lines. In the settlement of this Senatorial dispute, however, the court shows unusual independence and impartiality, for the five Democratic judges united in denying the contention of their own party. This decision will increase the respect of the people for the judiciary because it is eminently non-partisan, and, if it is the forerunner of others, showing the same independence and impartiality, will be a strong argument in favor of giving to courts the power to decide all disputes of a political nature. The right to pass upon contests over seats in legislative bodies could be given to them if their decision was certain to be unprejudiced and non-partisan. The seating and unseating of members on partisan grounds has become a recognized part of the legislative program, and no fairness or justice is expected in these cases. Impartial and unprejudiced decisions, such as this one, point toward the settlement by the courts of all political controversies as the method best adapted to secure justice to all parties.